

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

July 14, 2003

DIVISION ONE

B159895 Kevin Hawkins (Not for Publication)
 v.
 City of Los Angeles

The judgment is affirmed. The parties are to bear their own costs.

Ortega, J.

We concur: Spencer, P.J.
 Vogel (Miriam A.), J.

DIVISION TWO

B166788 Dell N. (Not for Publication)
 v.
 Superior Court, Los Angeles County
 (DCFS, r.p.i.)

The petition for writ of mandate is denied. The order to show cause is discharged.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Nott, J.

B163709 Rios, et al.
 v.
 Scottsdale Insurance Company
B166824 Rios, et al.
 v.
 Lan

Filed order consolidating above captioned appeals.

DIVISION FIVE

B159759 Atkinson-Barr (Not for Publication)
 v.
 Agoura Pony Baseball, et al.

The judgment is reversed. Appellant(s) to recover costs.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Mosk, J.

B158433 People (Not for Publication)
 v.
 Ryan Connors

In case No. PA034540, the judgment is modified as follows: the \$50 Health and Safety Code section 11372.5, subdivision (a) laboratory fee is imposed plus \$85 in penalty assessments, the amount of presentence credits against the subordinate term is modified to grant defendant 30 days of credits which includes 10 days of conduct credits; a \$200 Penal Code section 1202.4 subdivision (b)(1) restitution fine is imposed; a \$200 Penal Code section 1202.45 parole restitution fine is imposed and stayed; and a \$1,000 fine is imposed plus \$1,700 in penalty assessments. In all other respects, the judgment in case No. Pa034540 is affirmed.

In case No. PA034717, the judgment is modified as follows: defendant is to receive 444 days of presentence credits which includes 148 days of conduct credits; a \$200 Penal Code section 1202.4 subdivision (b)(1) restitution fine is imposed; a \$200 Penal Code section 1202.45 parole restitution fine is imposed and stayed; an impaired driver fine in the sum of \$390 plus \$663 in penalty assessments is imposed. The judgment in case No. PA034717 is affirmed in all other respects.

Turner, P.J.

I concur: Grignon, J.
I concur and dissent: Mosk, J.

July 14, 2003 (Continued)

DIVISION FIVE (Continued)

B157792 Pratheung Watt, et al. (Not for Publication)
 v.
 Bell Gardens Bicycle Club

The judgment is affirmed. Respondent(s) to recover costs.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Mosk, J.

B160604 Alexander Soroka
 v.
 Vicki Podberesky

Filed order modifying opinion. (No change in the judgment)

B155697 Eugene Meadows
 v.
 Los Angeles County Board of Supervisors

Filed order denying petition for rehearing.

DIVISION SIX

B162358 Mission Bell Plaza Phase II, LLC (Not for Publication)
 v.
 Redevelopment Agency of the City of Moorpark

The judgment is reversed. Costs to appellant.

Yegan, Acting P.J.

We concur: Coffee, J.
 Perren, J.

July 14, 2003 (Continued)

DIVISION SIX (Continued)

B162680 People v. Kemp (Not for Publication)

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

B159481 People (Not for Publication)
v.
Williams

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

B161032 People (Not for Publication)
v.
Baker

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

July 14, 2003 (Continued)

DIVISION SIX (Continued)

B165300 People (Not for Publication)
v.
Holt

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

B161552 Budgery, et al., (Not for Publication)
v.
Lorillard Tobacco Co., et al.

The order staying further proceedings on the ground of forum non conveniens is affirmed. Costs on appeal are awarded to respondents.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

DIVISION SEVEN

B158352 Hardie's Korn Kettle, Inc. (Not for Publication)
v.
Metrovox Snacks, et al.

The judgment is affirmed. Respondent(s) to recover costs.

Woods, J.

We concur: Perluss, P.J.
Johnson, J.

July 14, 2003 (Continued)

DIVISION SEVEN (Continued)

[illegible]

The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.
Munoz, J. (Assigned)

B162870 People (Not for Publication)
v.
Raul L.

The judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

B164106 People (Not for Publication)
v.
Allen

The judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

July 14, 2003 (Continued)

DIVISION SEVEN (Continued)

B152499 People (Not for Publication)
v.
Cook et al.

As to Patton, the order of sentencing is vacated, and the matter remanded for resentencing in accordance with section 1170.1, subdivision (a) and the views expressed in this opinion.

As to Cook, the order of sentencing is vacated, and the matter remanded with the following directions. The trial court shall set forth on the record, in accordance with section 1170, subdivision (b), the facts and reasons, if such exist, for imposing on counts 2 and 3 for robbery, and counts 4, 5 and 7 for assault with a firearm, the upper term on the firearm use enhancement under section 12022.5. The court also shall impose on counts 4 and 5 only the greater of the two applicable enhancements (either the firearm use enhancement or the great bodily injury enhancement under section 12022.7).

In all other respects, the judgments are affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Munoz, J. (Assigned)

B159236 Hettig, et al. (Not for Publication)
v.
Elsinore Corporation, et al.

The judgment is affirmed. Each party to bear their own costs.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

July 14, 2003 (Continued)

DIVISION SEVEN (Continued)

B159333 City of Long Beach (Certified for Publication)
 v.
 Department of Industrial Relations

The judgment is reversed. Appellant(s) to recover costs.

Johnson, J.

We concur: Perluss, P.J.
 Munoz, J. (Assigned)

DIVISION EIGHT

B163651 Johana Gomez, as Administrator, etc. (Certified for Publication)
 v.
 Superior Court, Los Angeles County
 (The Walt Disney Company et al., r.p.i.)

The petition for writ of mandate is granted. The respondent court is directed to (1) vacate its order of December 11, 2002, sustaining without leave to amend the demurrers to the forth and fifth causes of action in the second amended complaint, and (2) enter a new and different order overruling the demurrers. Petitioners are entitled to recover their costs in this writ proceeding. (Cal. Rules of Court, rule 56.4.)

Cooper, P.J.

We concur: Rubin, J.
 Boland, J.

B157604 People (Not for Publication)
 v.
 Venne

The judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.
 Boland, J.